

Kui-Chiu KWOK
"Meltblowing Method And Apparatus"
Atty. Docket No. 8010-61

Appl. No. 09/528,357
Confirm. No. 4073
Examiner J. Del Sole, AU 1732

REMARKS

Request for Reconsideration

The Office action mailed on 19 March 2004 has been considered carefully. Reconsideration of the application is respectfully requested.

The pending claims have been amended to overcome the informal objections raised by the Examiner. Claims 75, 76 and 83 have been canceled.

Claims 48-50 and 67-74 and 77-82 are pending.

Response to Objection to Terminal Disclaimer

The terminal disclaimer stands objected to allegedly for failure of applicants' representative to have filed a power of attorney in the instant application.

The undersigned is an attorney of record in the parent applications from which the instant application is derived and claims priority under 35 USC 120. A new power of attorney has been submitted nevertheless with respect to the instant application, along with a re-executed terminal disclaimer.

Response to Rejections Under 35 USC 101

Claims 48-50 and 68-69 stand rejected under 35 USC 101 allegedly for directed to "... neither a 'product' or and 'apparatus' and ... [for embracing] two different

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statutory classes of invention set forth in 35 USC 101." Office Action, 19 March 2004, para. 5.

Contrary to the Examiner's assertion, Claims 48-50 and 68-69 recite a statutory combination under 35 USC 101. Whether the subject matter of Claims 48-50 and 68-69 is a "machine" or "article of manufacture" under 35 USC 101 is immaterial. The Examiner's suggestion that the "system" of Claim 48-50 comprising a "body member having a plurality of first fluid orifices ..." and the "meltblowing apparatus" of Claims 68-69 in combination with a "... plurality of filaments ..." is non-statutory is absurd. The Examiner's rationale would undermine the patentability of all "machines" on the basis that machines comprise a combination of articles of manufacture. See *Diamond v. Chakrabarty*, 447 U.S. 303 (1980). The instant claims recite a statutory combination of definite structural limitations. The rejection under 35 USC 101 is improper and must be withdrawn.

Response to Rejections Under 35 USC 112, 2nd Paragraph

Claims 48-50 and 68-69 stand rejected under 35 USC 112, second paragraph, for failure to particularly point out and distinctly claim the subject matter of the invention on the same rational underlying the rejection under 35 USC 101." Office Action, 19 March 2004, para. 7.

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The subject claims comply with 35 USC 101 for the reasons set forth above. Absent any other grounds supporting the rejection under 35 USC 112, second para, the rejection must be withdrawn.

Discussion of Obviousness-Type Double Patenting Objections

Claims 73, 75-77, 79, 80 & 81-82 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of U.S. Patent No. 6,074,597.

Claims 73, 75-77, 79 & 81-82 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of U.S. Patent No. 5,902,540.

A terminal disclaimer under 37 CFR 1.321 is submitted herewith overcoming the obviousness-type double patenting rejections.

Allowability of Claims Over Dodge

Rejection Summary

Claims 48-50, 67-83 stand rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 5,160,746 (Dodge). Office Action, 19 March 2004, para. 15.

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Discussion of Allowability of Claim 48

Regarding independent Claim 48, Dodge does not disclose a

... meltblowing system comprising:
a body member having a plurality of first fluid orifices,
the body member having a plurality of second fluid orifices,
each first fluid orifice flanked on substantially opposing sides
by two separate second fluid orifices,
the plurality of first fluid orifices and the plurality of
second fluid orifices formed by respective corresponding fluid
conduits disposed non-convergently in the body member;
a plurality of filaments, each filament emanating from
a corresponding one of the plurality of first fluid orifices, the
plurality of filaments each having a predominant vacillation
amplitude between the two second fluid orifices on
substantially opposing sides of the corresponding first fluid
orifice.

In Dodge, the orifices (45) are formed by converging fluid conduits. Thus Dodge does not disclose "... the plurality of first fluid orifices and the plurality of second fluid orifices formed by respective corresponding fluid conduits disposed non-convergently in the body member..." as recited in Claim 48. Independent Claim 48 and the claims that depend therefrom are thus patentably distinguished over Dodge

Discussion of Allowability of Claim 50

Regarding Claim 50, dependent from Claim 48, Dodge fails to disclose

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...two portions of the body member proximate each first fluid orifice devoid of fluid orifices, the two portions of the body member devoid of fluid orifices disposed symmetrically on substantially opposite sides of the corresponding first fluid orifice between the two second fluid orifices on substantially opposite sides thereof

in combination with the limitations of Claim 48. Claim 50 is thus further patentably distinguished over Dodge.

Discussion of Allowability of Claim 67

Regarding Independent Claim 67, Dodge fails to disclose a

... meltblowing apparatus comprising:
a plurality of first fluid orifices in a body member;
two second fluid orifices in the body member in association with each first fluid orifice, the two second fluid orifices disposed symmetrically on substantially opposite sides of the associated first fluid orifice,
the plurality of first fluid orifices and the associated second fluid orifices arranged in a common series of orifices,
two portions of the body member proximate each of the plurality of first fluid orifices devoid of fluid orifices, the two portions of the body member devoid of fluid orifices disposed symmetrically on substantially opposite sides of the first fluid orifice between the two second fluid orifices.

In Dodge, the plurality of orifices (43) and the corresponding orifices (45) are not arranged "... in a common series of orifices ..." as recited in amended Claim 67.

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Claim 67 and the claims that depend therefrom are thus patentably distinguished over Dodge.

Discussion of Allowability of Claim 68

Regarding Claim 68, Dodge fails to disclose in combination with the limitations of Claim 67,

... a filament emanating from each of the plurality of first fluid orifices, each filament having a major vacillation amplitude between the two second fluid orifices on substantially opposite sides of the first fluid orifice

in combination with the limitations of Claim 67. Claim 68 is thus further patentably distinguished over Dodge.

Discussion of Allowability of Claim 69

Regarding Claim 69, Dodge fails to disclose in combination with the limitations of Claim 68, "... each filament having a minor vacillation amplitude between the portions of the body member devoid of fluid orifices" in combination with the limitations of Claim 68. Claim 69 is thus further patentably distinguished over Dodge.

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Discussion of Allowability of Claim 73

Regarding Independent Claim 73, Dodge fails to disclose a

... meltblowing apparatus comprising:
a first fluid orifice in a body member;
two second fluid orifices formed by corresponding
non-converging conduit portions in the body member, the two
second fluid orifices and corresponding non-converging
conduit portions disposed symmetrically on not more than two
substantially opposite sides of the first fluid orifice,
the first and second fluid orifices each have a
corresponding fluid conduit disposed in the body member.

In Dodge, the orifices (45) are formed by converging fluid conduits. Thus Dodge does not disclose "...two second fluid orifices formed by corresponding non-converging conduit portions in the body member ..." as recited in Claim 73. Independent Claim 73 and the claims that depend therefrom are thus patentably distinguished over Dodge.

Discussion of Allowability of Claim 74

Regarding Claim 74, Dodge fails to disclose in combination with the limitations of Claim 73, "... two portions of the body member proximate the first fluid orifice devoid of fluid orifices, the two portions of the body member devoid of fluid orifices disposed symmetrically on substantially opposite sides of the first fluid orifice

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between the two second fluid orifices" in combination with the limitations of Claim 73.
Claim 74 is thus further patentably distinguished over Dodge.

Discussion of Allowability of Claim 77

Regarding Independent Claim 77, Dodge fails to disclose a

... meltblowing apparatus comprising:
a first fluid orifice in a body member;
a plurality of second fluid orifices formed by
corresponding conduit portions in the body member,
the second fluid orifices and corresponding conduit
portions disposed symmetrically on not more than two
substantially opposite sides of the first fluid orifice, at least
one second fluid orifice on one side of the first fluid orifice
and at least one second fluid orifice on the other substantially
opposite side thereof,
the first and second fluid orifices each have a
corresponding fluid conduit disposed in the body member,
the first fluid orifice protrudes relative to the second
fluid orifices on the substantially opposites side thereof.

In Dodge, the air orifice conduits (45) protrude relative to the adhesive orifice, as illustrated best in FIG. 5 of Dodge. Thus Dodge does not disclose the "... first fluid orifice protrudes relative to the second fluid orifices on the substantially opposites side thereof" in combination with the other limitations of Claim 77. Claim 77 and the claims that depend therefrom are thus further patentably distinguished over Dodge.

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Discussion of Allowability of Claim 78

Regarding Claim 78, Dodge fails to disclose in combination with the limitations of Claim 77, "... portions of the body member proximate the first fluid orifice devoid of fluid orifices, the portions of the body member devoid of fluid orifices disposed symmetrically on substantially opposite sides of the first fluid orifice between the second fluid orifices". Claim 78 is thus further patentably distinguished over Dodge.

Discussion of Allowability of Claim 80

Regarding Claim 80, Dodge fails to disclose in combination with the limitations of Claim 77, a body member comprising "... at least two plates." Claim 80 is thus further patentably distinguished over Dodge.

Discussion of Allowability of Claim 81

Regarding Claim 81, Dodge fails to disclose in combination with the limitations of Claim 77, "... a plurality of first fluid orifices in the body member, each of the plurality of first fluid orifices having second fluid orifices disposed symmetrically on not more than two substantially opposite sides thereof, at least one second fluid orifice on one side of each first fluid orifice and at least one second fluid orifice on the other substantially opposite side thereof, the plurality of first fluid orifices and the second fluids arranged in a common series." In Dodge, the air orifice (45) and the plurality of adhesive

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orifices (41) are not in a common series. Claim 81 is thus further patentably distinguished over Dodge.

Discussion of Allowability of Claim 82

Regarding Claim 82, Dodge fails to disclose in combination with the limitations of Claim 81, "... portions of the body member proximate each first fluid orifice devoid of second fluid orifices, the portions of the body member devoid of second fluid orifices disposed symmetrically on substantially opposite sides of the first fluid orifice between the second fluid orifices." Claim 82 is thus further patentably distinguished over Dodge.

Allowability of Claims Over Boger et al.

Rejection Summary

Claims 67-71 and 83 stand rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 5,169,071 (Boger et al.). The Examiner asserts that Boger discloses, among other limitations, "... two second orifices disposed symmetrically on substantially opposite sides of the first fluid orifice...." Office Action, 19 March 2004, para. 16.

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Discussion of Allowability of Claim 67

Regarding independent Claim 67, Boger fails to disclose a

... meltblowing apparatus comprising:
a plurality of first fluid orifices in a body member;
two second fluid orifices in the body member in
association with each first fluid orifice, the two second fluid
orifices disposed symmetrically on substantially opposite
sides of the associated first fluid orifice,
the plurality of first fluid orifices and the associated
second fluid orifices arranged in a common series of orifices,
two portions of the body member proximate each of
the plurality of first fluid orifices devoid of fluid orifices, the
two portions of the body member devoid of fluid orifices
disposed symmetrically on substantially opposite sides of the
first fluid orifice between the two second fluid orifices.

Boger discloses a spiral nozzle having a single adhesive orifice (70) surrounded by a plurality of radially disposed air orifices (90). In applications where the multiple spiral nozzles of Boger are mounted side-by-side, the adhesive and air orifices of Boger are not in a common series. Claim 67 and the claims that depend therefrom are thus patentably distinguished over Boger.

Discussion of Allowability of Claim 68

Regarding Claim 68, Boger fails to disclose in combination with the limitations of Claim 67,

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... a filament emanating from each of the plurality of first fluid orifices, each filament having a major vacillation amplitude between the two second fluid orifices on substantially opposite sides of the first fluid orifice

in combination with the limitations of Claim 67. Claim 68 is thus further patentably distinguished over Boger.

Discussion of Allowability of Claim 69

Regarding Claim 69, Dodge fails to disclose in combination with the limitations of Claim 68, "... each filament having a minor vacillation amplitude between the portions of the body member devoid of fluid orifices" in combination with the limitations of Claim 68. Claim 69 is thus further patentably distinguished over Boger.

Discussion of Allowability of Claim 70

Regarding Claim 70, Boger fails to disclose, in combination with the limitations of Claim 67, "... the plurality of first fluid orifices and associated second fluid orifices disposed on a fluid dispensing face of the body member." Claim 70 is thus further patentably distinguished over Boger.

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Discussion of Allowability of Claim 71

Regarding Claim 71, Boger fails to disclose in combination with the limitations of Claim 70, "... each of the plurality of first fluid orifice protrudes relative to the associated second fluid orifices." Claim 71 is thus further patentably distinguished over Boger.

Prayer for Relief

In view of the discussion above, it is submitted that all pending claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections thereto and allow the claims of the present application to issue as a United States Patent without delay.

Respectfully submitted,



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